

105TH CONGRESS
1ST SESSION

H. R. 2216

To establish limitation with respect to the disclosure and use of genetic information by life and disability insurers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1997

Mr. KENNEDY of Massachusetts introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish limitation with respect to the disclosure and use of genetic information by life and disability insurers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Genetic Protection in
5 Insurance Coverage Act”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

1 (1) DNA.—The term “DNA” means
2 deoxyribonucleic acid.

3 (2) GENETIC INFORMATION.—The term “ge-
4 netic information” means the information about
5 genes, gene products or inherited characteristics that
6 may derive from an individual or a family member.

7 (3) GENETIC TEST.—The term “genetic test”
8 means a test for determining the presence or ab-
9 sence of genetic characteristics in an individual, in-
10 cluding tests of nucleic acids such as DNA, RNA
11 and mitochondrial DNA, chromosomes or proteins in
12 order to diagnose a genetic characteristic.

13 (4) INSURER.—The term “insurer” means an
14 insurance company, health care service contractor,
15 fraternal benefit organization, insurance agent, third
16 party administrator, insurance support organization
17 or other person subject to regulation under State in-
18 surance laws. Such term includes self-funded health
19 plans and health plans regulated under the Em-
20 ployee Retirement Income Security Act of 1974 (29
21 U.S.C. 1001 et seq.).

22 **SEC. 3. USE OF GENETIC INFORMATION BY INSURERS PRO-**
23 **HIBITED.**

24 No life or disability insurer may—

1 (1) require any person who applies for an insur-
2 ance policy to undergo a genetic test to receive such
3 policy;

4 (2) refuse to enroll any person or accept any in-
5 dividual or any individual's family member as a sub-
6 scriber on the basis of genetic information of that
7 individual or of the individual's family members;

8 (3) determine a rate on the basis of the genetic
9 information of that individual or of the individual's
10 family members;

11 (4) offer or provide different terms, conditions,
12 or benefits on the basis of genetic information of
13 that individual or of the individual's family mem-
14 bers;

15 (5) otherwise consider genetic information in
16 the provision of insurance coverage or benefits;

17 (6) require or request that any individual or a
18 member of the individual's family reveal whether the
19 individual or a member of the individual's family has
20 obtained a genetic test or what the results of the
21 test were; or

22 (7) otherwise seek, receive, or maintain any ge-
23 netic information.

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